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FACSIMILE COVER SHEET

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PLEASE DELIVER IMMEDIATELY !!!!

Our Ref: 124-1158
Your Ref: SN 10/577,938 Date: December 3, 2009

TO: Board of Patent Appeals and Interferences
FIRM: U.S. Patent and Trademark Office
SUBJECT: Appeal No. 2009-007560; SN 10/577,938
FACSIMILE NO.: 571-273-0299 & 571-273-8300
FROM: Stanley C. Spooner

NUMBER OF PAGES (INCLUDING COVER SHEET): 4
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES
IN TRANSMISSION, PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

Kristen M. McGee
FACSIMILE OPERATOR

ATTACHMENT: Response to Order Granting Request to Reset Hearing Date

MESSAGE:

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences**

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In re Patent Application of
PHILLIPS et al.

Atty. Ref.: SCS-124-1158

Serial No. 10/577,938

TC/A.U.: 2814

Filed: May 3, 2006

Examiner: H. Weiss

For: STRAINED SEMICONDUCTOR DEVICES

* * * * *

December 3, 2009

Attn: Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re Appeal No. 2009-007560

Sir:

**RESPONSE TO ORDER GRANTING REQUEST
TO RESET HEARING DATE**

This Response acknowledges receipt of the Order Granting Request to Reset Hearing Date from Roger Williams, Chief Clerk of the Board of Patent Appeals and Interferences, faxed to the undersigned on December 2, 2009. The Clerk's granting of the Request to reschedule the above Oral Hearing is very much appreciated.

Given that the Chief Clerk has indicated that "[n]o further request for postponement will be permitted" it is respectfully requested that the Board take into consideration the fact that Applicants' undersigned representative has already scheduled and paid for a vacation beginning *March 18, 2010* and ending *March 26, 2010*. Accordingly, it is respectfully requested that the hearing on the above case not be scheduled during that period of time.

Should the Board have any other questions regarding the setting of the hearing date for this appeal, the Board is respectfully requested to contact Applicant's undersigned representative.

PHILLIPS et al.

Serial No. 10/577,938

NIXON VANDERHYE PC

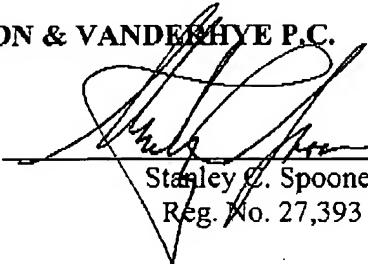
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


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